



U.S. Department of Justice

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January 23, 2009 Update
Ad Surf Daily, La Fuente Dinero & Golden Panda Ad Builder

In two related civil forfeiture cases now pending in the United States District Court for the District of Columbia, the Department of Justice (though the United States Attorney's Office) has alleged that funds and assets it seized from several Internet-based businesses, "Ad Surf Daily," "La Fuente Dinero" and "Golden Panda Ad Builder," constituted proceeds of one or more federal criminal offenses. Specifically, the government alleged that each of these three so-called auto-surf businesses, which had promised income opportunities to paying members, were actually "Ponzi" schemes that violated the federal wire fraud and securities fraud statutes. Under federal law, all proceeds of such criminal offenses are forfeitable to the United States.

On January 13, 2009, in the first civil forfeiture lawsuit against over \$53 million and other real and personal property, claimants AdSurfDaily, Inc., Thomas A. Bowdoin, Jr., and Bowdoin/Harris Enterprises, Inc. filed a "Motion for Leave to Withdraw Claims Release of Claims to Seized Property and Consent to Forfeiture." In that motion, these individuals and entities asked to have all previous challenges they had made to the government's effort to forfeit the property named in that lawsuit withdrawn. On January 22, 2009, the Court granted that motion and deemed the claims withdrawn. Earlier, on September 22, 2008, the individuals and entities that had challenged the government's lawsuit against funds seized from the Golden Panda Ad Builder operation also moved to withdraw their challenges to the government's lawsuit.

The government intends to pursue each forfeiture case to its completion, and to perfect the forfeiture of all fraud proceeds as quickly as possible. Although the recent withdrawals of the prior challenges to the first forfeiture case should expedite resolution of that lawsuit, the forfeiture process is not yet completed. Moreover, even upon their forfeiture, disposition of non-cash assets will take some time because such assets must be liquidated before any funds derived from those assets can be made available as victim compensation.

Individuals who sent money to Ad Surf Daily (or AdCashGenerator), La Fuente Dinero or Golden Panda Ad Builder, and who suffered a pecuniary loss, may choose to file petitions for remission or mitigation of the forfeiture with the Department of Justice. Under Section 9.8(a)(1) and (2) of Title 28 of the Code of Federal Regulations, in a petition for remission or mitigation of forfeiture a non-owner victim must demonstrate that it suffered a pecuniary loss of a specific amount directly caused by the criminal offense(s) underlying the forfeiture, or a related offense, and that the loss is the direct result of the criminal acts.

The Department of Justice will work with the records it receives to build a database of former members of these auto-surf “Ponzi” schemes. The Department will endeavor to contact members with information about how they may properly file petitions for remission or mitigation with the Department (in writing and under oath). The Department may employ individuals or entities to assist it in identifying potential petitioners, to assist them in filing petitions, and to expedite resolution of each petition it receives. Because some existing records may be incomplete or out of date, potential petitioners may want to provide to the Department their current contact information directly, preferably by completing the information submission form located at www.usdoj.gov/usao/dc/Victim_Witness_Assistance/adsurfdaily.html or by emailing information to the Department at usadc.adsurfdaily@usdoj.gov (Prospective petitioners who already provided such information, by submitting the form, email or letter, need not do so again.) Prospective petitioners’ contact information should include, at minimum, full names, member numbers, total funds paid to Ad Surf Daily, La Fuente Dinero or Golden Panda Ad Builder, and methods of payment. Mailed correspondence should be directed to the Asset Forfeiture Unit of the United States Attorney's Office for the District of Columbia, and sent to the address listed at the top of this memo.

The United States will not have access to funds before the forfeitures are concluded, and forfeiture orders issue from the Court.